



2026:DHC:1709-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO (COMM) 166/2024**

MANKIND PHARMA LIMITED

.....Appellant

Through: Mr. Amit Sibal, Sr. Adv. with
Mr. Hemant Daswani, Ms. Saumya Bajpai,
Ms. Pranjal Dhankar, Mr. Saksham Dhingra,
Ms. Suditi Batra and Mr. Ankit Handa,
Advs.

versus

BRINTON PHARMACEUTICALS LIMITEDRespondent

Through: Mr. Rahul Vidhani and Mr.
Dhruv Sikka, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

17.02.2026

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REVIEW PET. 514/2025

1. This review petition merely seeks a correction of the observations in paras 38 and 45.3 of the judgment dated 22 September 2025 to the extent the judgment observes that the appellant had disclosed the prosecution history with respect to trade mark Application No. 2520524.

2. The application further points out that, in the judgment under review, we have also observed that the Application No. 2520524 was not significant or relevant to the determination of the issues in

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FAO (COMM) 166/2024

Page 1 of 3



2026:DHC:1709-DB



controversy.

3. As such, even correction of the order to the extent sought in the application would not make a difference to the final decision in the judgment under review.

4. We find this to be correct.

5. We have held, in our judgment, that the prosecution history of trade mark Application No. 2520524 is not relevant to the issue in controversy.

6. Of course, should the respondent be aggrieved thereby, its remedies in law would remain reserved. However, in view of our findings, correction of the impugned order to the extent it states that the appellant had disclosed the prosecution history in respect of trade mark Application No. 2520524 would not affect the final outcome of the decision.

7. Accordingly, we correct paras 38 and 45.3 of our judgment dated 22 September 2025 to the extent they record that the appellant had disclosed prosecution history in respect of trade mark Application No. 2520524. The reference to the said disclosure would stand deleted from the said paras.

8. To that extent, this order is to be treated as a corrigendum to the judgment dated 22 September 2025.



2026:DHC:1709-DB



9. Prayer (b) in this application actually deals with observations which are already contained in the impugned judgment and is not pressed by the appellant.

10. Accordingly, the application is disposed of in the aforesaid terms.

11. It is pointed out by learned Counsel *ad idem* that para 53 of the impugned order should read as under:

“53. The observations contained in this judgment are only for disposing of the application filed by the appellant for interim relief and would not be treated as binding on the learned Commercial Court when adjudicating on the *lis*.”

12. Para 53 of judgment dated 22 September 2025 stands corrected accordingly.

13. The review petition stands disposed of accordingly.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 17, 2026

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